

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICROSOFT CORPORATION,

Plaintiff,

v.

MOTOROLA, INC., et al.,

Defendants.

MOTOROLA MOBILITY, INC., et
al.,

Plaintiffs,

v.

MICROSOFT CORPORATION,

Defendant.

CASE NO. C10-1823JLR

ORDER TO SHOW CAUSE

Before the court is Microsoft Corporation's ("Microsoft") Rule 50(a) motion for judgment as a matter of law. (Microsoft Mot. (Dkt. # 902).) It appears the motion may

1 be moot, so the court ORDERS Microsoft to either withdraw its motion or show cause
2 why it should not be denied as moot.

3 Microsoft filed this Rule 50(a) motion for judgment as a matter of law before the
4 jury returned its verdict. (*See* Microsoft Mot.) A motion or issue becomes “moot” when
5 it is impossible for a court to grant effectual relief to the moving party. *See Decker v.*
6 *Nw. Envtl. Def. Ctr.*, 133 S. Ct. 1326, 1335 (2013); *Smith v. Plati*, 258 F.3d 1167, 1179
7 (10th Cir. 2001). A motion is moot if there is no longer a controversy because the issues
8 presented are no longer live or the parties lack a legally cognizable interest in the
9 outcome. *See Chafin v. Chafin*, 133 S. Ct. 1017, 1023 (2013). Federal courts have no
10 authority to “give opinions upon moot questions or abstract propositions, or to declare
11 principles or rules of law which cannot affect the matter in issue in the case before it.”
12 *Church of Scientology of Cal. v. United States*, 506 U.S. 9, 12 (1992).

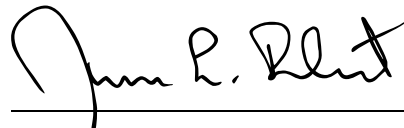
13 This motion presents an issue that appears to have been mooted by the jury’s
14 verdict. The Advisory Committee Notes to Federal Rule of Civil Procedure 50 make
15 clear that, when there is a pending Rule 50 motion and the jury returns a verdict, “a jury
16 verdict for the moving party moots the issue.” *See* ADVISORY COMMITTEE NOTES TO
17 RULE 50; *EMI Music Marketing v. Avatar Records, Inc.*, 364 F. Supp. 2d 337, 342
18 (S.D.N.Y. 2005) (jury verdict moots prevailing party’s pending motion for judgment as a
19 matter of law). Here, Microsoft has prevailed at trial and it would seem the court can no
20 longer provide effectual relief by ruling on this motion. *See Decker*, 133 S. Ct. at 1335.
21 Microsoft’s motion appears to no longer present a live controversy because the parties
22 lack a legally cognizable interest in the outcome of the motion—a ruling for either party

1 would not affect the case in any meaningful way. *See Chafin*, 133 S. Ct. at 1023.

2 Accordingly, it would seem that the court lacks authority to rule on this motion because
3 doing so would amount to declaring principles of law that cannot affect the matter in
4 issue in the case before the court. *See Church of Scientology*, 506 U.S. at 12.

5 For the foregoing reasons, the court ORDERS Microsoft to either withdraw its
6 motion (Dkt. # 902) or show cause why it should not be denied as moot. Microsoft is
7 ordered to respond by noon on Wednesday, September 18, 2013, and to limit any
8 submission to five pages. Motorola's response, if any, must be filed by noon on Friday,
9 September 20, 2013, and must also be limited to five pages.

10 Dated this 13th day of September, 2013.

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14 JAMES L. ROBART
United States District Judge